

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54396 of 2019

Arising Out of PS. Case No.-228 Year-1998 Thana- AMARPUR District- Banka

1. NIRANJAN SINGH Son of Late Abhiram Singh Resident of Village-Kathail, P.S.-Amarpur, District-Banka.
2. Pashupati Singh Son of Late Abhiram Singh Resident of Village-Kathail, P.S.-Amarpur, District-Banka.
3. Muntun Singh @ Kaushal Kishore Singh Son of Late Abhiram Singh Resident of Village-Kathail, P.S.-Amarpur, District-Banka.
4. Shakun Singh @ Shakun Prasad Singh Son of Late Ganesh Singh Resident of Village-Kathail, P.S.-Amarpur, District-Banka.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Anil Kumar Singh

For the Opposite Party/s : Mr.Anil Kumar

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 02-09-2019

Heard learned counsel for the parties.

This application for anticipatory bail arises out of Amarpur P.S. Case No. 228 of 1998 for the offence punishable under Section 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

The petitioners apprehend their arrest as they have been summoned at the trial under Section 319 of the Cr.P.C. They were named in the First Information Report. However, they were not sent up for trial by the police after completion of investigation. It was on the basis of the evidence adduced in



course of trial that they have been summoned.

Learned counsel appearing on behalf of the petitioners has submitted that the Court below has issued non-bailable warrant of arrest without ensuring service of summons upon them. He has also submitted that since investigation is complete and the petitioners undertake to present themselves before the Court below as and when required, no purpose is going to be served if they are taken into custody.

Considering the facts and circumstances, this application is allowed.

Let the petitioners above named, in the event of their arrest/surrender within six weeks from today in the Court below, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.D.J., F.T.C.-1st, Banka in Amarpur P.S. Case No. 228 of 1998, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the Police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions,



their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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